

APPEAL NO. 023053
FILED JANUARY 24, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 31, 2002. The hearing officer determined the respondent (claimant herein) sustained a compensable repetitive trauma injury with a date of injury of _____, and that the claimant had disability from April 16, 2002, continuing through the date of the CCH. The appellant (self-insured herein) contends that the evidence was not sufficient to prove that the claimant suffered an injury in the form of an occupational disease. The self-insured argues that the evidence failed to show that the claimant's job as prison guard involved activities which were sufficiently repetitive to cause him to develop carpal tunnel syndrome (CTS) and that medical reports relating the claimant's CTS to work were based on inaccurate descriptions of the claimant's job duties. The claimant responds that the decision of the hearing officer was sufficiently supported by the evidence.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

Section 401.011(34) provides that an occupational disease includes a repetitive trauma injury, which is defined in Section 401.011(36) as "damage or harm to the physical structure of the body occurring as the result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment." The claimant claimed a repetitive trauma injury in the form of bilateral CTS from performing his work activities as a prison guard.

The claimant had the burden to prove that he sustained a repetitive trauma injury during the course and scope of his employment. Davis v. Employers Insurance of Wausau, 694 S.W.2d 105 (Tex. Civ. App.-Houston [14th Dist.] 1985, writ ref'd. n.r.e.). Conflicting evidence was presented at the CCH with regard to the issue of whether the claimant sustained an occupational disease. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's finding that the claimant has sustained a repetitive trauma injury in the form of bilateral CTS due to his job duties for the employer as a prison guard is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Edward Vilano
Appeals Judge